

amendment.

In the Advisory Action of March 21, 2002, the Examiner maintained the 35 U.S.C. 112, second paragraph rejection, regarding the expression "weight per unit area".

Applicants thank the Examiner for the courtesy of the interview of June 13, 2002, where this and the other pending issues were discussed.

As pointed out during the interview, no person skilled in the art would ever think that "weight per unit area", when applied to films, would be the area of the edges of the laminate. Those skilled in the art would absolutely know that weight per unit area referred to the area as seen from the top or bottom of a sheet of material, i.e., "the area of a plane horizontal to the plane in which the film was extruded", as the Examiner expressed it; not the area seen when a sheet is viewed from the edges. No person, whether skilled or unskilled in the art to which this invention pertains, would ever, in their wildest imaginations, think that "weight per unit area" could under any circumstances be referring to the "plane vertical to the extrusion plane". This would make absolutely no sense. Sheet materials, such as paper and plastic, are commonly referred to in terms of their weight/area; and that clearly means the weight per square foot etc. of surface area, not edge area.

The rejection of claims 2-10 and 12-31 under 35 U.S.C. 112, second paragraph, should accordingly be withdrawn.

Claims 31, 2, 3, 6-10, 12, 15, 17, 18, 19, 20, 23, and 25 stand rejected under 35 U.S.C. 103(a) as obvious over Dobreski (U.S. 5,334,428).

Although Applicants have previously pointed out the differences between Dobreski and their laminate, the Examiner found Applicants' arguments unpersuasive, because the Examiner saw features relied on in Applicants' arguments as not being recited in the claims. Specifically, the Examiner viewed Applicants' claims as reading on a two-ply laminate.

In a determined effort to advance the prosecution of this case, Applicants have now amended their claims to recite a substrate upon which the laminate (I) forms a sealing layer. In addition to reciting the presence of the substrate, the wording of claim 31 now makes it very clear that (b) is the outer layer, and (i) is the inner layer.

The amendments to claim 31 are believed to obviate the reasons why the Examiner found Applicants' distinguishing remarks unpersuasive, and the rejection of claims 31, 2, 3, 6-10, 12, 15, 17, 18, 19, 20, 23, and 25 under 35 U.S.C. 103(a) as obvious over Dobreski (U.S. 5,334,428) should now be withdrawn.

Regarding the art rejection based on Paleari (U.S. 6,110,570) in view of Hodgson (U.S. 5,206,075), the Examiner points out in the Advisory Action that he sees it as obvious to use Hodgson's heat sealable resin to read on Applicants' "inner" layer. It seems therefore that the Examiner would use Hodgson's heat sealable layer as an inner layer in the Paleari (i.e., as Paleari's layer b), and thereby arrive at Applicant's laminate. However, Paleari requires that his inner layer (b), which is against his heat sealable layer (a), must have a fractional MFR (col. 2, line 5). Hodgson's heat seal composition which the Examiner refers to as having a MFR of 1.0 g/10 min) would therefore be contrary to what Paleari teaches, and would never be used as Paleari's layer (b). The departure of Hodgson

from Paleari is even greater, however, upon a closer reading of Hodgson. The preferred MFI (MFR) that the Examiner refers to is believed to be that recited at col. 4, lines 63/64 of Hodgson. Upon a closer reading, the Examiner will see that Hodgson's MFI's are expressed in terms of dg/min; not g/10 min, as is the MFR of Paleari (see Paleari, col. 3, lines 14-17). Thus, on a common basis, Hodgson's MFR would be almost 100 times higher than indicated by the Examiner; and well beyond the fractional MFR required by Paleari.

Accordingly, Hodgson's heat sealable resin would never be used as an inner layer in Paleari's heat shrinkable films, and the art rejection based on Paleari in view of Hodgson should be withdrawn.

In view of the foregoing amendments and remarks, it is believed that claims 1-10, 12-24 and 26-31 are now in consideration for allowance. Reconsideration of said claims by the Examiner is respectfully requested, and the allowance thereof courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required petition fee to deposit account No. 14-1263.

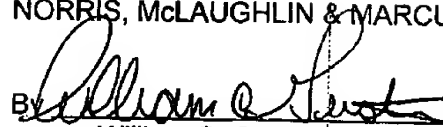
ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

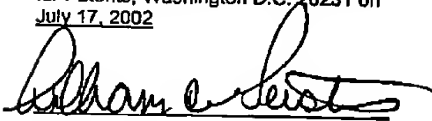
NORRIS, McLAUGHLIN & MARCUS, P.A.

By


William C. Gerstenzang
Reg. No. 27,552

220 East 42nd Street - 30th Floor
New York, New York 10017
(212) 808-0700

I hereby certify that this correspondence
is being transmitted via facsimile
addressed to Assistant Commissioner
for Patents, Washington D.C. 20231 on
July 17, 2002



Date: July 17, 2002

**MARKED-UP COPIES OF AMENDED CLAIMS
SHOWING CHANGES RELATIVE TO PREVIOUS VERSIONS**

Claim 31 (amended). A multi-ply laminate [(I)] comprising a multi-ply heat-sealable layer (I) laminated to a substrate, said multi-ply heat-sealable layer (I) consisting of:

an outer ply (b) having a melt flow rate (MFR), as determined in accordance with DIN ISO 1133 at 190°C and 2.16 kg, of at least 0.1 g/10 min., and comprising an outer ply polymeric resin; and

at least one inner ply (I), each inner ply (i) having an MFR, as determined in accordance with DIN ISO 1133 at 190°C and 2.16 kg, that is greater than the MFR of said outer ply (b), and comprising an inner ply polymeric resin, said at least one inner ply (i) being between said layer (b) and said substrate

wherein the weight per unit area of said inner ply (i) is at least 40% of the weight per unit area of said multi-ply laminate (I).

Claim 25, please cancel.

Claim 26 (Three-times amended). [The composite film of Claim 25 further comprising a] The multi-ply laminate of claim 31, wherein said substrate is selected from the group consisting of metal, cardboard, paper, paperboard, textile, non-woven fabric, plastic and composites thereof, said plastic being other than said outer ply polymer resin and said inner ply polymer resin.